

Remarks

Upon entry of the foregoing amendment, claims 1-94 are pending in the application, with claims 1, 29, 57, 85, and 89 being the independent claims. New claims 89-94 are sought to be added. Independent claims 1, 29, 57, and 85 and claims 2, 9, 10, 13, 14, 17, 20, 22, 23, 25, 30, 37, 38, 41, 42, 45, 48, 50, 51, 53, 58, 65, 66, 68, 69, 70, 73, 76, 78, 79 and 81 are amended herein. Support for these amendments may be found at least in Figs. 1 and 14-16 and paragraphs [0070]-[0072] of the specification. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Information Disclosure Statement

As noted in Applicants' Amendment and Reply filed July 7, 2008 at p. 34, Applicants request that the Examiner acknowledge that the declaration of Jie Cheng and the associated Exhibits A-F, which were submitted as part of the Information Disclosure Statement filed February 16, 2005 have been considered by stating such in response to this Amendment and Reply.

Rejections under 35 U.S.C. § 103

Claims 1-22, 29-50, 57-78, and 85-88 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 7,343,355 to Ivanov *et al.* ("the Ivanov

patent") in view of U.S. Pub. No. 2002/0082977 to Hammond *et al.* ("the Hammond publication"). It is noted that only claims 1-22 are specifically discussed in the rejection, however it appears the discussion of each of claims 1-22 was intended to include the corresponding claims in the claims sets of claims 29-50 and claims 57-78. Applicants respectfully traverse these rejections.

The present invention is generally directed to the generation of an optimized auction commodity distribution plan for distributing a predetermined number of present auction commodity products such as, for example, automotive vehicles. Each of said predetermined number of present auction commodity products is to be distributed to a single auction site chosen from one or more physical auction sites. One or more elasticity computations are performed based on the sales of one or more past auction commodity products at the one or more physical auction sites. Each of the present auction commodity products and each of the past auction commodity products have an associated model type and a model year that may be utilized in generating an auction forecast price. An auction forecast price is generated for each present auction commodity product that is to be auctioned at one of the one or more physical auctions sites utilizing the one or more elasticity computations. The generated forecast price is utilized to generate an optimized auction commodity distribution plan that distributes each of the predetermined number of present auction commodity products. The distribution plan maximizes the profits of selling all of the predetermined number of present auction commodity products by indicating to which of the physical auction sites each of the predetermined number of present auction commodity products will be sent for auction. This results in a distribution plan for distributing each of the predetermined

number of present auction commodity products to one of the physical auction sites prior to auctioning the present auction commodity product at the physical auction site.

Independent Claims 1, 29, 57, and 85

Each of independent claims 1, 29, 57, and 85, as amended herein, include a step or means for generating an optimized distribution plan, specifically a plan as to which physical auction site each of a predetermined number of present auction commodity products should be distributed prior to auctioning the present auction commodity product at the physical auction site.

- Independent claim 1 recites a "computer-implemented method for generating an optimized auction commodity distribution plan" that comprises "said processor generating an optimized auction commodity distribution plan for said predetermined number of present auction commodity products using said generated forecast price for distributing each of said predetermined number of present auction commodity products to one of said physical auction sites prior to auctioning said present auction commodity product at said auction site." (emphasis added)
- Independent claim 29 recites a "system for generating an optimized auction commodity distribution plan" that comprises "means for generating an optimized auction commodity distribution plan for said predetermined number of present auction commodity products using said generated forecast price for distributing each of said predetermined number of present auction commodity products to one of said physical auction sites prior to auctioning said present auction commodity product at said auction site." (emphasis added)
- Independent claim 57 recites a "computer program product embodied on a computer useable medium comprising computer program logic stored therein for generating an optimized auction commodity distribution plan" that comprises "computer readable program code means for generating an optimized auction commodity distribution plan for said predetermined number of present auction commodity products using said generated forecast price for distributing each of said predetermined number of present auction commodity products to one of said physical auction sites prior to auctioning said present auction commodity product at said auction site." (emphasis added)

- Independent claim 85 recites a "computer-implemented method for generating an optimized auction commodity distribution plan for a plurality of present auction commodity products to be auctioned at one or more of a plurality of auction sites" that comprises "said processor generating an optimized auction commodity distribution plan for said predetermined number of present auction commodity products using said generated forecast price, wherein said optimized auction commodity distribution plan is a plan for distributing each of said predetermined number of present auction commodity products to one of said plurality of physical auction sites prior to auctioning said present auction commodity product at said auction site." (emphasis added)

Neither the Ivanov patent, nor the Hammond publication, alone or in combination, disclose or suggest the generation of such an optimized auction commodity distribution plan.

The Examiner has admitted that the Ivanov patent "fails to explicitly teach where the commodity is set for auction." Office Action at p.3. The Examiner's proposed combination of the Ivanov patent with the Hammond publication does not remedy this deficiency. The Ivanov patent appears to be directed to determining an optimized selling price for a commodity with the intent that the commodity will be sold at the optimized selling price, not at auction. Modifying the method and system disclosed in the Ivanov patent to work in an auctioning system, where the selling price is not predetermined and definite, is antithetical to the intent and purpose of the Ivanov patent. For at least this reason, combining the Ivanov patent with the Hammond publication, as the Examiner suggests, would destroy the teachings of the Ivanov patent. While the Examiner argues that "Hammond, in an analogous art, explicitly teaches the commodity is set for auction" (Office Action at 3), the Examiner provides no further support for the proposed combination.

Further, neither the Ivanov patent nor the Hammond publication disclose or suggest an optimized distribution plan, as claimed. The claimed invention, as amended, is directed to determining an optimized auction commodity distribution plan for a predetermined number of auction commodity products, where each auction commodity product will be distributed to a specified physical auction site, prior to being auctioned off at the physical auction site.

The Ivanov patent appears to be directed to generating an optimized pricing plan, not an optimized distribution plan. See col. 2, lines 14-15 and col. 3, line 52 to col. 4, line 6, and col. 4, lines 60-65 of the Ivanov patent. In particular, the Ivanov patent appears to be directed toward pricing a commodity regardless of the supply volume for sale. The present invention, on the other hand, focuses on determining a distribution plan that provides the optimum supply volume for each auction site, in order to maximize the profit of distributing a predetermined number of present commodity products at auction.

The Hammond publication is not directed to generating an optimized distribution plan, as claimed. According to the Hammond publication, a product to be auctioned is initially placed at a plurality of on-line auction sites, the system then ranks each site to optimize the closing price, and the product is later removed from all but the site with the highest rank. See paragraphs [0009], [0014], [0137], and [0140] of the Hammond publication. In this manner, the Hammond publication teaches away from generating an optimized distribution plan, opting instead for a "shotgun approach" where a product is placed for auction at several on-line auctions at the same time, and is never distributed to the auction site from which it will be auctioned, prior to the auctioning, as claimed.

Further, the Hammond publication lists products at on-line auction sites, not physical auction sites, as claimed.

Accordingly, neither the Ivanov patent, nor the Hammond publication, alone or in combination, disclose or suggest the generation of an optimized auction commodity distribution plan as claimed.

For at least the reasons noted above, independent claims 1, 29, 57, and 85 and claims 2-28, 30-56, 58-84, and 86-88, which depend therefrom, are patentable.

Applicants respectfully request that the rejections of the claims be withdrawn and the claims allowed.

Independent Claim 89

New claims 89-94 are sought to be added herein, with claim 89 being an independent claim. Claims 89-94 contain substantially the same subject matter as existing claims 23-28. The Examiner indicated in the Office Action mailed April 4, 2008, that claims 23-28 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 23-28 were later indicated as being rejected, on the cover sheet of the Office Action mailed October 30, 2008, but no rejections were made in the body of the Office Action with respect to these claims. As such, it is understood that claims 23-28 continue to contain allowable subject matter. To that end, since new claims 89-94 contain substantially the same subject matter as claims 23-28, they are also believed to be patentable over the cited art. Accordingly, Applicants respectfully request that claims 89-94 be allowed.

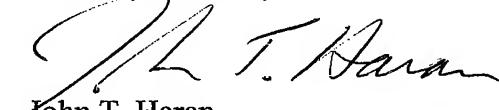
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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